

SENATE BILL 58

F1

(0lr0104)

ENROLLED BILL

— *Finance/Economic Matters* —

Introduced by **Chair, Finance Committee (By Request – Departmental – Education)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Division of Rehabilitation Services – Unpaid**
3 **Work-Based Learning Experiences**

4 FOR the purpose of providing that certain individuals in unpaid work-based learning
5 experiences with the Division of Rehabilitation Services in the State
6 Department of Education are covered employees for the purpose of coverage
7 under the State workers' compensation laws; designating the employer of a
8 certain individual in an unpaid work-based learning experience for the purpose
9 of coverage under the State workers' compensation laws; requiring the
10 participating employer to secure certain workers' compensation coverage;
11 requiring the Department to reimburse an employer for certain costs; defining
12 certain terms; providing for the application of this Act; and generally relating to
13 workers' compensation coverage for certain individuals in unpaid work-based

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 learning experiences with the Division of Rehabilitation Services in the State
2 Department of Education.

3 BY adding to
4 Article – Education
5 Section 21–310
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2009 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 9–228
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Education**

16 **21–310.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) “DORS” MEANS THE DIVISION OF REHABILITATION
20 SERVICES IN THE STATE DEPARTMENT OF EDUCATION.

21 (3) “DORS CONSUMER” MEANS AN INDIVIDUAL DETERMINED
22 ELIGIBLE FOR REHABILITATION SERVICES UNDER § 21–306 OF THIS SUBTITLE
23 WHO IS PLACED BY DORS IN AN UNPAID WORK–BASED LEARNING EXPERIENCE.

24 (4) “UNPAID WORK–BASED LEARNING EXPERIENCE” MEANS A
25 PROGRAM THAT PROVIDES A DORS CONSUMER WITH STRUCTURED
26 EMPLOYER–SUPERVISED LEARNING THAT:

27 (I) OCCURS IN THE WORKPLACE;

28 (II) LINKS WITH AN INDIVIDUALIZED PLAN FOR
29 EMPLOYMENT;

30 (III) IS COORDINATED BY A DORS REHABILITATION
31 SPECIALIST; AND

1 (IV) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF
2 AN INDIVIDUAL WRITTEN WORK-BASED LEARNING EXPERIENCE AGREEMENT
3 BETWEEN DORS AND THE EMPLOYER OF THAT PARTICIPATING DORS
4 CONSUMER.

5 (B) A DORS CONSUMER WHO IS PLACED WITH AN EMPLOYER IN AN
6 UNPAID WORK-BASED LEARNING EXPERIENCE IS A COVERED EMPLOYEE OF
7 THAT EMPLOYER, AS DEFINED IN TITLE 9 OF THE LABOR AND EMPLOYMENT
8 ARTICLE FOR THE PURPOSE OF COVERAGE FOR MEDICAL SERVICES AND
9 TREATMENT UNDER THE STATE WORKERS' COMPENSATION LAWS.

10 (C) (1) THE PARTICIPATING EMPLOYER WHERE A DORS CONSUMER
11 IS PLACED IN AN UNPAID WORK-BASED LEARNING EXPERIENCE SHALL SECURE
12 WORKERS' COMPENSATION COVERAGE FOR THAT DORS CONSUMER.

13 (2) THE STATE DEPARTMENT OF EDUCATION SHALL REIMBURSE
14 THE EMPLOYER IN AN AMOUNT EQUAL TO THE LESSER OF:

15 (I) THE COST OF THE PREMIUM FOR THE WORKERS'
16 COMPENSATION COVERAGE; OR

17 (II) \$250.

18 Article - Labor and Employment

19 9-228.

20 (a) (1) A student with a disability as defined in § 8-401(a)(2) of the
21 Education Article is a covered employee while working for an employer without wages
22 in a work assignment in accordance with § 8-402 of the Education Article.

23 (2) For the purposes of this title, the employer for whom the student
24 with a disability works is the employer of that student.

25 (b) (1) An individual is a covered employee while working as a student
26 intern or student teacher under § 6-107 of the Education Article.

27 (2) For the purposes of this title, the Board of School Commissioners of
28 Baltimore City or the board of education for any other county is the employer of an
29 individual who is a covered employee under this subsection in that county.

30 (c) (1) A student is a covered employee when the student has been placed
31 with an employer in an unpaid work-based learning experience coordinated by a
32 county board or private noncollegiate institution under § 7-114 of the Education
33 Article.

1 (2) For purposes of this title, the employer for whom the student
2 works in the unpaid work-based learning experience is the employer of that student.

3 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE
4 THE MEANINGS INDICATED.

5 (II) "DORS" MEANS THE DIVISION OF REHABILITATION
6 SERVICES IN THE STATE DEPARTMENT OF EDUCATION.

7 (III) "DORS CONSUMER" HAS THE MEANING STATED IN §
8 21-310 OF THE EDUCATION ARTICLE.

9 (2) A DORS CONSUMER IS A COVERED EMPLOYEE WHEN THE
10 INDIVIDUAL HAS BEEN PLACED BY DORS WITH AN EMPLOYER IN AN UNPAID
11 WORK-BASED LEARNING EXPERIENCE.

12 (3) FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM
13 THE DORS CONSUMER WORKS IN THE UNPAID WORK-BASED LEARNING
14 EXPERIENCE IS THE EMPLOYER OF THE DORS CONSUMER.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
16 applicable to students in unpaid work-based learning experiences, as defined in §
17 21-310 of the Education Article as enacted by this Act, beginning on the effective date
18 of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.